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MESSAGE
—OF—
CHARLES ROBINSON,
GOVERNOR OF KANZAS,

DELIVERED AT TOPEKA, JUNE 11, 1857

*Fellow Citizens of the Senate and
House of Representatives,*

You are again convened together at the expiration of the recess taken by you in January last. You meet under circumstances scarcely less difficult, and no less embarrassing, than have characterized the previous meetings of this Legislature. But your duties under the Constitution are plain, and the necessity for action imperative.

As the representatives of the people, you are here to do the work for which they selected you. The bitter experience of the past has brought nothing with it that could relieve you of your responsibility. Every step in that experience has shown the necessity for you to do your work, and that you with calmness, wisdom and determination prepare those bulwarks on which the people may rest their constitutional rights as American citizens, and keep the State Government in readiness for admission into the Union.

As it becomes my duty to recommend such measures as I may deem expedient for your action, and to communicate to you the condition of affairs in the State, I shall endeavor briefly to do so.

Since I sent my message to you when you first convened in March, 1856, many important and startling events have marked and disturbed the current of affairs. The horrors of actual warfare have existed in our midst. Towns and cities have been sacked and burned, and our citizens have been brutally murdered on the highways and in their homes. A hostile enemy on our Eastern border has poured in predatory band after band, and army after army, with the design of harassing our citizens, and completing the subjugation they had begun.

The General Government, which still assumes the power of protection over us, has basely used that power as the screen under which it has rendered aid and comfort to our enemies, and strengthened the hands of those foreign invaders

who still pretend to hold the political power of the people, that they usurped. Nor have your labors or your persons been exempt. Lawless arrests have been made of your members, and also of Executive Officers, by men who, although they possessed some power, and in many instances, held positions in connection with the Federal courts, acted with irregularity and in defiance of even the rules which they professed to respect.

A large and necessary portion of the labors of your codifying committee was destroyed, with much other property, at Lawrence, in May, 1856, when that place was pillaged and partially burned, by a mob brought there by a United States Marshal. When your bodies met pursuant to adjournment, in July last, your assembly was interrupted with and broken up by a large force of United States troops, in battle array, who drove you hence, in gross violation of those constitutional rights, which it was their duty to have protected. When you again convened in January last at your regular session, your proceedings were again interfered with by a deputy marshal, and many of your members arrested.

I do not propose entering into a minute detail of all the unhappy occurrences that have marked the past year—occurrences which have stamped a page of infamy on the history of the country. Let me refer you to the comprehensive address prepared by a Committee of the Convention that assembled in this place on the 10th of March last, for those particulars, an enumeration of which would absorb too much of your time.— Suffice it to say, that owing to these causes the State Government is not yet fully organized, and waits in urgent necessity for the completion of your work.

The period for which you were elected is drawing to a close. No provision for taking the census has been made, and no election law adopted. Without these your function in the government

will expire, and with it the power of reproducing it. I cannot think that you will, in any contingency, incur the reproach of leaving helpless the people who trusted you, or compelling them to recur through original action to their primary power, for those needed steps which it is your duty to supply.

In my message sent to you in March, 1856, I enumerated the outlines of the legislation it would be incumbent on you to frame and adopt. Let me respectfully refer you to that document for those details.

There is one subject of great moment for our present and future prosperity. The public land in our midst still belongs to the General Government. To secure these lands, or all of them that can be obtained, is a matter to which we should devote no ordinary attention. The policy hitherto adopted towards other new States, gives us just grounds to look to Congress for a grant of all the public lands in our midst. To your enterprise and endurance its value can be traced, and to you it rightly belongs. The sale of much of our most valuable lands for the behalf of Indians, gives an additional claim on the Government for the remainder. Surely, the General Government will not seek to make a speculation on the bones and sinews of the struggling pioneers, who seek to add another State to the confederacy. Let us respectfully urge upon the assembled wisdom of Congress our claim for donations of these lands, and let us press these claims before the Government has passed its title to all the valuable portions, into the hands of speculators. No donation should, by its terms, conflict with the claim of a squatter on the soil.

The inanimate framework of a Territorial Government still exists in Kansas. While the popular branch of Congress has accepted our application for admission into the Union, the Senate has still withheld its approval. In this isolated condition, our rights as American citizens, under the Constitution, and our inherent rights as *men* remain to us. The Territorial Governor, recently sent among us by the Federal Government, in his inaugural, has truly said:

"It is the people of Kansas, who, in forming their State Constitution, are to declare the terms on which they propose to enter the Union. Congress cannot compel the people of a Territory to enter the Union as a State, or change without their consent, the Constitution framed by the people. Congress, it is true, may for constitutional reasons refuse admission, but the State alone, in forming her constitution, can prescribe the terms on which she will enter the Union. This power of the people of a Territory in forming a State Constitution, is one of vital importance, especially in the States carved out of the public domain. Nearly all the lands of Kansas are public lands, and most of them are occupied by Indian tribes. Those lands are the property of the Federal Government, but their right is ex-

clusively that of a proprietor, carrying with it no political power."

The doctrine here enunciated is only what has been established by precedent, and reiterated time and again. In it we have a right to form a State Constitution, and of necessity the complete State organization, for which its specific terms must provide. As Congress has neither the right to frame a Constitution for us, nor to "change" the same, it must be apparent to all, they have no more power to destroy it when created. Governor Walker goes even farther than this, and further than we have ever proposed going, for he says that "the State alone in forming her constitution, can prescribe the terms on which she will enter the Union," clearly implying that she may enter the Union or not. Under these circumstances it is clearly apparent that the Federal Government has only sent Governor Walker as a Territorial officer to Kansas, because we have hitherto failed, or been unable to complete the organization we have begun. In the absence of the full and vital powers of government adopted by the people, this is merely an endeavor to carry out the implied protection.

What renders this more unhappy, is the fact that the federal authorities have never yet been able to afford us such protection, and as there is no Territorial law here, recognized by the people as such, the executive function is a mockery.

Your first consideration is the necessities of the people, but beyond that it is your duty to act with promptness, so as to relieve these Federal appointees of a merely nominal duty, that must be embarrassing and disrespectful to them, whilst the unsettled state of affairs conveys an impressive reproach to those Republican institutions on which all our hopes as a people centre. In the Inaugural to which I have referred, there is a recommendation that our people forsake the government they have adopted, and under the management of usurping, pretended officials, seek to do over again what has been done.

We do not think that any serious or generally entertained desire exists amongst our people to do so, and, while opinions from such a source may be entitled to respect, it is at least unfortunate that a course of action in relation to the Constitution, should be pointed out in the official address of a Federal appointee, who, in that very address, urges the right of the people, and their right *alone*, to take steps for a State government. It is as clearly evident from that address itself, that Governor Walker has not been sufficiently conversant with affairs in Kansas, to warrant the expression of opinion on so grave a matter. In that document he assures us that we shall have everything over which his executive function has no control, and refrains from expressing any opinion on the only points for which we could entertain hopes of his action. You are doubtless aware that Acting Territorial Governor Stanton, issued a proclamation containing an apportion-

ment of representation for a delegate convention. That apportionment leaves nearly one-half of Kansas without any representation, and as no census has been taken there by any one, they will of course have no privilege of even voting.

Had there been no State Constitution in Kansas, had a fraudulent, pretended Territorial Legislature never originated the steps to which this Inaugural refers, had that action come simply from the people as it legitimately should there would still have been the strongest reasons why all good men should refrain from participating in an act so grossly fraudulent and despotic as this pretended census, and partial appointment under it. In any event such proceedings will inevitably fall to the ground as lacking in that great essential, the popular will, which alone could give it vitality.

Although that strange appointment which deliberately anticipates disfranchising one half of the people, was issued a week previous to the Inaugural of Gov. Walker, there was not the slightest allusion to it in that document. And yet the evidence of the fact was of easy access to him, and he was not ignorant of it. What does he mean when he says, "the law has performed its entire appropriate function when it extends to the people the right of suffrage?"

Has it done so? or, is Gov. Walker ignorant of the fact that it has not? He adds:

"Throughout our whole Union, however, and wherever free government prevails, those who abstain from the exercise of the right of suffrage, authorize those who do vote to act for them in that contingency, and the absentees are as much bound under the law and constitution, where there is no fraud or violence, by the act of the majority of those who do vote, as although all had participated in the election."

It would be needless to tell you that such a position however good, is quite inapplicable to this so called census law and all the proceedings under it. It originates in an usurping fraud, and every step in the process has been a fraud. It is not a proposed election to ascertain the wishes of the people but a foregone conclusion, every part of which is carefully framed to accomplish a certain result. But if its applicability cannot be found in these proceedings, let me suggest where it can be applied. In the proceedings under which the State Constitution was framed and ratified, all the actual voters had the privilege of participating. Men of all parties *did* do so and if any portion declined, it was because they feared to hazard the policy they were trying to thrust on Kansas to a popular vote.

How are we to reconcile the two positions of this federal inaugural—first that the people alone must freely and fairly make or change their Constitution, and secondly that "The Territorial Legislature is the power *ordained for this purpose by the United States* and in opposing it you oppose the authority of the Federal Government."

Well knowing that the complaint that the Legislature referred to did not derive its power from

the people of Kansas, he makes up for its lack of popular legitimacy thus: "That Legislature was called into being by the Congress of 1854, and is recognized in the very latest Congressional Legislature. It is recognized by the present Chief Magistrate of the Union."

There is not much of "popular sovereignty" and "self-government" here. This usurpation is repudiated by the people but it is recognized by "Congress" and the "President." Its pretended enactments are a dead letter. All the official proclamations and bulletins of Presidents and Territorial Governors cannot make them law, for nothing is law or can have the authority thereof save the legitimately expressed will of the people. But if the Federal authorities can not make their usurpations laws, they seem bent on preventing the people from having *any* law unless they will stoop to accept of this. Never let it be said that the people of Kansas were so recalcant to the principles of self-government as to accept the laws thrust upon them by a body of invaders. Such a fatal precedent would sow the seed that would spring up to the ultimate ruin of our Government. An insignificant minority in Kansas may co-operate with the invaders outside to perpetuate this usurpation but as Gov. Walker says, "The minority, in resisting the will of the majority, may involve Kansas again in civil war, they may bring upon her reproach and obloquy, add destroy her progress and prosperity; they may keep her for years out of the Union and, in the whirlwind of agitation, sweep away the Government itself, but Kansas never can be brought into the Union with or without slavery except by a previous solemn decision, fully, freely and fairly made by a majority of her people in voting for or against the adoption of her State Constitution."

This has been done in the adoption of our State Constitution—has been done in accordance with the very principles and requirements of this inaugural itself, and we may well ask in the language of Gov. Walker, "Why then should this just, peaceful and Constitutional mode of settlement meet with such opposition from any quarter?"

I cannot dismiss this Inaugural, sent amongst us by the Federal authorities and Territorial Governor, without noting one or two other points. He says there is a clause in our Constitution forever excluding the African race bond or free from Kansas. There is no such clause in our Constitution, and it is to be regretted that Gov. Walker who talks so much about the "will of the people, should not have given a Constitution emanating from them, a more careful investigation. At the time the Constitution was submitted to the people, a resolution from the people to the first Legislature was also submitted. This was neither "in" nor connected with the Constitution, and has just as much force as the first Legislature may choose to attribute to it. It originated in an anxious desire to show favor to the

peculiar institutions of "her sister States"—especially her immediate neighbor, the State of Missouri. And how has this compromise spirit been met? By invasion, usurpation, rapine, fire and sword. Such clauses as that he has sarcastically said were in our Constitution, he expressly denies in another paragraph.

How much more deeply he must feel the interests of Missouri than Kansas, is apparent when he recalls the debt of gratitude that the people of Kansas owe that State which has stripped our people of every Constitutional right, has involved us in the confusion of civil discord, and which is trying by the aid of General Government to place its feet upon our necks to-day. The first cause of a political struggle in Kansas was whether Kansas should be a free or slave State. After the invasion of 1855 a still more fearful issue arose whether the people of Kansas should have a right to govern themselves. It is for this we struggle. The rights of the people, the glory of Republicanism on earth, the integrity of our Government are all wrapped up in the issue. Truly we can say, "never was so momentous a question submitted to the decision of any people, and we cannot avoid the alternatives now before us of glory or of shame."

The rights of a free people we love, the Union we regard, the integrity of the government we will maintain. The devotion of the people of Kansas to the Union is evidenced by the stern reality of their sufferings and their endurance. In wisdom and devotion the people of Kansas will struggle to preserve the Union should they ever be permitted to enjoy the bands of sisterhood, they will do so by endeavoring to make the Union worth preserving, without which it will inevitably crumble in pieces. We may with sacrilegious hand tear from the tomb of Washington or Jefferson some perishable relic of the mortality of those who while living, were devoted to liberty and revered the claims of God and humanity and under the cover of the awe-striking symbol, incite the reluctant representatives of the people to acts disfranchising American citizens, robbing Republicanism of all that is good in it. We may shout "the Union," "the Union," over acts of the most reckless despotism, and hurry our Government into oligarchy and anarchy under the delusion, but the delusion will not save us from the penalty of our folly and our crime.

Let us then preserve the Union by maintaining the integrity of Republicanism.

It is an universal maxim that usurpers never voluntarily relinquish their power. Under whatever guise it may come, the action of those who now pretend to hold territorial power, will be for the continuation of that power.

For Gov. Walker to urge us into that flimsy trap in which they hope to ensnare our people is

wrong and to talk to us, in the connection of fairness and justice is to add insult to the wrong.

While the great principle for which we have to contend, is to maintain our right to self-government, the secondary consideration of preserving Kansas a Free State is not to be lost sight of. It is of importance that the principles of Freedom should prevail, not only because the people have willed it, but because it is good policy, and above all because it is right. Where would be our prosperity if slavery were entailed upon us? Where would the towns and cities, the railroads and the commerce be, with such a plague-spot on our energies? The owls would hoot through the cities, now laid out in Kansas, the railroads be confined to charters of usurped legislation.

The industrious settler would shrink from the contamination of slave labor that would degrade his manhood and his honest toil. Nor can we trace all the reasons by which the unerring finger of a just Providence guides the policy of every systematic wrong to a sure decay, and entails the curse that there should be no prosperity in the land that is stained by the tears and watered by the unpaid sweat of any portion of the children of men.

There is indeed an "isothermal line" and a law of the thermometer "which may make slave labor comparatively profitable or unprofitable," but there is unhappily no "law of the thermometer" to prevent infatuated slavery propagandists from attempting to establish the institution, where wise policy says it never should be. It will therefore be an important duty in us to guard carefully against all the steps in such an insidious design, the more so that "policy" and an "isothermal law" are united with the claims of Republicanism and justice.

Under these circumstances we can contemplate the duties before us and with judicious calmness undertake them. We struggle for our birthright and we must not sell it for a "mess of pottage." The eyes of the country are on us, for our cause is the common cause of all who love Republicanism. In our defeat the principle on which the Government rests will sustain a shock, in our victory it will take root and be perpetuated. To you is confided no common share of the task. To you will be meted no common share of the glory of victory or the misfortune of defeat. Be true and we will triumph. Our task is difficult, let us meet its responsibilities in full reliance on the Wisdom of Him who is the God of Justice. A future of prosperity and usefulness is before the people of Kansas. A great State is rapidly expanding into prosperous existence. May we hope to establish in it a Government not unworthy of this civilized age and our Republican Institutions.

CHARLES ROBINSON.

Topeka, June 9, 1857